

ORDINANCE NO. 09-24

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE V. ZONING DISTRICT REGULATIONS, BY REPEALING AND RESCINDING DIVISION 26. FM FLEA MARKET, SWAP MEET, OPEN AIR MARKET, BAZAAR DISTRICT, IN ITS ENTIRETY, AND BY AMENDING ARTICLE VI. SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 10 PARKING, BY DELETING HIALEAH CODE § 98-2189(11) THAT PROVIDED FOR MINIMUM OFF-STREET PARKING REQUIREMENTS FOR FLEA MARKETS; AND AMENDING CHAPTER 74 ENTITLED "SIGNS", ARTICLE III REGULATIONS, DIVISION 3 DISTRICT REGULATIONS, BY DELETING HIALEAH CODE § 74-214 THAT PROVIDED FOR FLEA MARKET SIGN REGULATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of March 11, 2009 recommended approval of this ordinance; and

WHEREAS, the general purpose and intent of this ordinance is to provide proper zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community and the proper administration of its government; and

WHEREAS, the specific intent and purpose of this ordinance is to eliminate the FM Flea Market zoning district since this use, which was once contemplated to be used in connection with the Hialeah Racetrack or the Hialeah Speedway when it was created in 1991, is not a viable use within the City since large tracts of land, including Hialeah Heights, have either been redeveloped or are planned in the future to be more suitably developed as commercial, industrial and large-scale residential properties.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, Division 26. FM Flea Market, Swap Meet, Open Air Market, Bazaar District, of the Code of Ordinances of the City of Hialeah, Florida is hereby repealed and rescinded in its entirety.

Section 2: Chapter 98 entitled "Zoning", Article VI. Supplementary District Regulations, Division 10. Parking, Section 98-2189 entitled "Minimum required off-street parking spaces" of the Code of Ordinances of the City of Hialeah, Florida is hereby amended to read as follows:

Chapter 98

ZONING

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ARTICLE VI. SUPPLEMENTARY DISTRICT REGULATIONS

* * *

DIVISION 10. PARKING

* * *

Sec. 98-2189. Minimum required off-street parking spaces.

Off-street parking shall be provided in accordance with the following minimum standards. If a calculation of minimum parking spaces results in a number with a fraction, then the next higher whole number shall be considered the proper calculation. Garages shall not be included in any calculation of minimum required parking spaces.

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~~(11) *Flea markets.* One parking space for each 100 square feet of selling area designated on the approved site plan. Operators shall provide pedestrian and vehicular traffic control during the hours of operation.~~

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Section 3: Chapter 74 entitled “Signs”, Article III. Regulations, Division 3. District Regulations, Section 74-214 entitled FM flea market, swamp meet, open air market, bazaar district signs” of the Code of Ordinances of the City of Hialeah, Florida is hereby repealed and rescinded in its entirety.

Section 4: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict. Hialeah, Fla., Ordinance 91-18 (Feb. 12, 1991) is hereby repealed and rescinded in its entirety.

Section 5: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 6: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 7: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

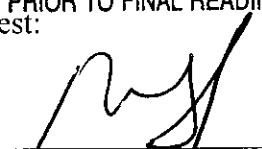
Section 8: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 14th day of April, 2009.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

Attest:

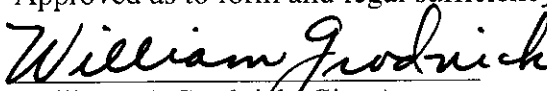

Rafael E. Granado, City Clerk


Carlos Hernandez
Council President

Approved on this 15 day of April, 2009.


Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".